

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANTOLIN ANDREW MARKS,

Plaintiff,

v.

ALISSA Mc CLUSKEY et al.,

Defendants.

Case No. C08-5151RJB/JKA

REPORT AND
RECOMMENDATION

NOTED FOR:

JULY 11, 2008

This Civil Rights/ Bivens action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). On April 29th, 2008, the court denied plaintiff's motion to proceed *in forma pauperis*. The action was re-referred to the undersigned Magistrate Judge.

More than 30 days have gone by and plaintiff has not paid the filing fee for this action. The court now recommends the action be dismissed for failure to prosecute.

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed. R. Civ.

1 P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v.
2 Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to
3 set the matter for consideration on **July 11, 2008**, as noted in the caption.

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6 DATED this 13 day of June, 2008.

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8 /S/ J. Kelley Arnold
9 J. Kelley Arnold
United States Magistrate Judge
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